



Washington, D.C. 20505

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8 January 1985

Ms. Hilda Schreiber  
Legislative Analyst  
Legislative Reference Division  
Office of Management and Budget  
Washington, D.C. 20503

Dear Ms. Schreiber:

Per our earlier telephone conversation, I have enclosed a draft of our planned response to Congressman Mazzoli's questions regarding H.R. 5805, a bill to amend the CIA Retirement Act to provide benefits to certain former spouses. I would appreciate your review of these answers to determine if they are consistent with Administration policy.

The HPSCI staff has indicated that they would like to receive these answers in the near future. I look forward to hearing from you with your thoughts and recommendations.

Sincerely,

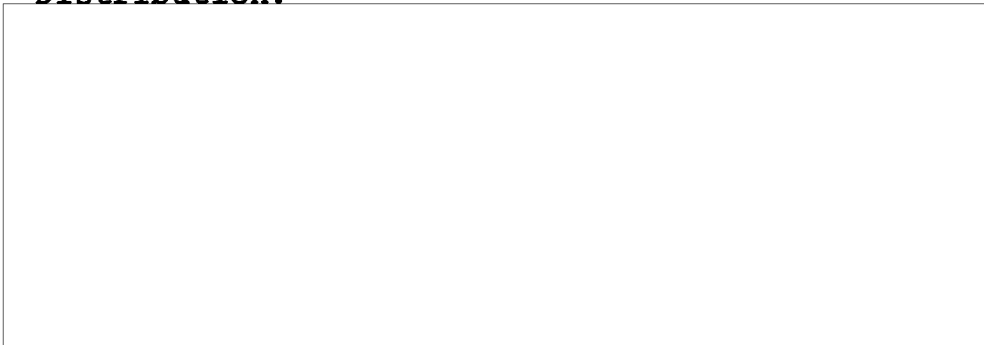


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98TH CONGRESS  
2D SESSION

# H. R. 5805

To amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to provide essential benefits to certain former spouses not eligible for any benefits under that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1984

Mr. MAZZOLI (for himself and Mr. WHITEHURST) introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

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## A BILL

To amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to provide essential benefits to certain former spouses not eligible for any benefits under that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 That (a) part C of title II of the Central Intelligence Agency  
4 Retirement Act of 1964 for Certain Employees is amended  
5 by adding at the end thereof the following new section:

6 "BENEFITS FOR CERTAIN OTHER FORMER SPOUSES

7 "SEC. 224. (a) Any individual who was a former spouse  
8 of a participant or former participant in the Central Intelli-

1 gence Agency Retirement and Disability System on Novem-  
2 ber 15, 1982, and for whom no election is made (whether  
3 before, on, or after the date of the enactment of this section)  
4 by such participant or former participant under section 223 of  
5 this Act, is entitled to an annuity, payable from the fund,  
6 equal to the amount of the annuity then currently payable to  
7 an individual under section 523(c) of the Foreign Relations  
8 Authorization Act, Fiscal Year 1977 (90 Stat. 847).

9 “(b) A former spouse shall not be qualified for an annu-  
10 ity under this section if, before such annuity commences, such  
11 former spouse remarries before becoming 60 years of age.

12 “(c)(1) An annuity payable to a former spouse under this  
13 section—

14 “(A) shall commence—

15 “(i) in the case of a former spouse of a par-  
16 ticipant or former participant who is deceased or  
17 who has retired under the Central Intelligence  
18 Agency Retirement and Disability System as of  
19 the date of the enactment of this section, begin-  
20 ning on the 120th day after such date; and

21 “(ii) in the case of any other former spouse,  
22 beginning on the later of—

23 “(I) the date that such participant or  
24 former participant dies or so retires, which-  
25 ever occurs first; or

3

1                   “(II) the 120th day after the date of the  
2                   enactment of this section; and

3                   “(B) shall terminate on the last day of the month  
4                   before the former spouse's death or remarriage before  
5                   attaining age 60.

6                   “(2) If a former spouse is not entitled to an annuity  
7                   under this section because of remarriage, or if an annuity  
8                   under this section is terminated because of remarriage, such  
9                   annuity shall commence or be restored (as the case may be)  
10                  commencing on the date such remarriage is terminated.

11                  “(3) A former spouse to whom a lump-sum payment has  
12                  been paid under section 234 or section 241 of this Act shall  
13                  not be entitled to an annuity under this section unless the  
14                  former spouse returns such payment to the fund.

15                  “(4) An annuity under this subsection—

16                         “(A) shall not be payable unless appropriate writ-  
17                         ten application is provided to the Director, complete  
18                         with any supporting documentation which the Director  
19                         may by regulation require; and

20                         “(B) shall not be payable with respect to any  
21                         period commencing before such application is so  
22                         provided.

23                  “(d) The Director shall—

24                         “(1) as soon as possible, but not later than 120  
25                         days after the date of the enactment of this section,

1 prescribe such regulations as may be necessary to  
2 carry out this section; and

3 “(2) to the maximum extent practicable, and as  
4 soon as possible, inform each individual who was a  
5 former spouse on November 15, 1982, of any rights  
6 which such individual may have under this section.”

7 (b) Section 14(a) of the Central Intelligence Agency Act  
8 of 1949 (50 U.S.C. 403n) is amended by inserting “224,”  
9 after “222, 223,”

10 SEC. 2. The Central Intelligence Agency Act of 1949  
11 (50 U.S.C. 403a-n) is amended by adding at the end a new  
12 section as follows:

13 “HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES OF

14 EMPLOYEES

15 “SEC. 15. (a)(1) Except as provided in subsection (c)(1),  
16 any individual—

17 “(A) married to an employee or former employee  
18 of the Agency, whose marriage is dissolved by divorce  
19 or annulment;

20 “(B) who, immediately before the divorce or an-  
21 nulment becomes final, is covered under a health bene-  
22 fits plan as a member of the family of such employee  
23 or former employee; and

24 “(C) who was married to such employee for not  
25 less than 10 years during periods of service by such

1        were spent outside the United States by both the em-  
2        ployee and the former spouse,  
3        is eligible for coverage under a health benefits plan in accord-  
4        ance with the provisions of this section.

5        “(2) An individual described in paragraph (1) (hereafter  
6        in this section referred to as a ‘former spouse’) may enroll in  
7        the plan referred to in subparagraph (B) of such paragraph  
8        (for self alone or for self and family, as the individual may  
9        under this paragraph elect) if, before the expiration of the 31-  
10       day period beginning on the date the divorce or annulment  
11       becomes final, and in accordance with such procedures as the  
12       Director of the Office of Personnel Management shall by reg-  
13       ulation prescribe, the former spouse—

14                “(A) files an election for such enrollment; and

15                “(B) arranges to pay currently into the Em-  
16       employees Health Benefits Fund (under section 8909 of  
17       title 5, United States Code) an amount equal to the  
18       sum of the employee and agency contributions payable  
19       in the case of an employee enrolled under chapter 89  
20       of such title in the same health benefits plan and with  
21       the same level of benefits.

22        “(3) The Director of the Office of Personnel Manage-  
23       ment shall, by regulation, establish procedures designed to  
24       provide timely notice to all employees and former employees

1 of the Agency enrolled in a health benefits plan of the right of  
2 election under this subsection.

3       “(4) The Director of the Office of Personnel Manage-  
4 ment may waive the 31-day limitation set forth in paragraph  
5 (2) in any case in which such Director determines that the  
6 circumstances so warrant.

7       “(b)(1) Except as provided in subsection (c)(1), any indi-  
8 vidual who becomes a former spouse on or before the date of  
9 enactment of this section may enroll in a health benefits plan  
10 for self alone or for self and family if, before the expiration of  
11 the 6-month period beginning on such date of enactment, and  
12 in accordance with such procedures as the Director of the  
13 Office of Personnel Management shall by regulation pre-  
14 scribe, such individual—

15               “(A) files an election for such enrollment; and

16               “(B) arranges to make payments as described in  
17 subsection (a)(2)(B).

18       “(2) The Director of Central Intelligence shall, as soon  
19 as possible, take all steps practicable—

20               “(A) to determine the identity and current address  
21 of each former spouse to whom paragraph (1) applies;  
22 and

23               “(B) to notify each such former spouse of that in-  
24 dividual's rights under this section, which notification  
25 shall be by mail, notice in newspapers of general circu-



1       lation, or such other method or combination of methods  
2       as the Director of Central Intelligence considers  
3       appropriate.

4       “(3) The Director of the Office of Personnel Manage-  
5       ment, upon notification by the Director of Central Intelli-  
6       gence, shall waive the 6-month limitation set forth in para-  
7       graph (1) in any case in which the Director of Central Intelli-  
8       gence determines that the circumstances so warrant.

9       “(c)(1) Any former spouse who remarries before age 60  
10      is not eligible to make an election under subsection (a) or (b).

11      “(2) Any former spouse enrolled in a health benefits  
12      plan pursuant to an election under subsection (a) or (b) may  
13      continue the enrollment under the conditions of eligibility  
14      which the Director of the Office of Personnel Management  
15      shall by regulation prescribe, except that any former spouse  
16      who remarries before age 60 shall not be eligible for contin-  
17      ued enrollment under this section after the end of the 31-day  
18      period beginning on the date of remarriage.

19      “(d) Nothing in this section allows any individual to be  
20      covered under more than one enrollment under chapter 89 of  
21      title 5, United States Code.

22      “(e) For purposes of this section the term ‘health bene-  
23      fits plan’ means an approved health benefits plan under chap-  
24      ter 89 of title 5, United States Code.”.